

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 12-709V
(Not to be published)

CYNTHIA SMITH,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

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Filed: May 27, 2015

Decision by Stipulation; Attorney's
Fees & Costs

Andrew Donald Downing, Phoenix, AZ, for Petitioner

Julia Wernett McInerny, Washington, DC, for Respondent

ATTORNEY'S FEES AND COSTS DECISION¹

On September 10, 2012, Cynthia Smith filed a petition seeking compensation under the National Vaccine Injury Compensation Program ("the Vaccine Program"). On June 27, 2014, I granted the motion of Petitioner's former counsel of record, Thomas P. Gallagher to withdraw from the case.

On May 27, 2015, counsel for both parties filed a joint stipulation for interim attorney's fees and costs incurred while Mr. Gallagher was counsel of record. The parties have stipulated that Petitioner's former counsel of record should receive a lump sum of \$17,434.65, (\$17,200.00

¹ Because this decision contains a reasoned explanation for my action in this case, I will post this decision on the United States Court of Federal Claims' website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, § 205, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). As provided by 42 U.S.C. § 300aa-12(d)(4)(B), however, the parties may object to the posted decision's inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, the whole decision will be available to the public. (*Id.*)

in fees and \$234.65 in costs), in the form of a check payable to Petitioner and Petitioner's counsel. This amount represents a sum to which Respondent does not object.

I approve the requested amount for interim attorney's fees and costs as reasonable. Accordingly, an award in the amount of \$17,434.65 should be made in the form of a check payable jointly to Petitioner and Petitioner's former counsel of record, Thomas P. Gallagher, Esq. In the absence of a motion for review filed pursuant to RCFC Appendix B, the clerk of the court **SHALL ENTER JUDGMENT** in accordance with the terms of the parties' stipulation.²

IT IS SO ORDERED.

/s/ Brian H. Corcoran
Brian H. Corcoran
Special Master

² Pursuant to Vaccine Rule 11(a), the parties may expedite entry of judgment by filing a joint notice renouncing their right to seek review.